



FISCAL MEMORANDUM

HB 982 - SB 859

March 7, 2023

SUMMARY OF BILL AS AMENDED (004577): Establishes that a person's statement regarding the person's use or possession of marijuana to a pharmacist, physician, nurse, or nurse practitioner, made in the course and scope of the person's medical care, for the purpose of obtaining medical advice on possible adverse effects of marijuana use in combination with other medications or medical treatments, is not admissible as evidence in any criminal trial, hearing, or proceeding in which the person is a defendant; provided, that the person may expressly waive this prohibition and request the statement be admitted as evidence.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- It is unknown if this legislation will have any impact on rules or laws regarding admissibility of evidence in court proceedings; however, information shared with a healthcare professional is generally considered protected under the *Health Insurance Portability and Accountability Act of 1996* (HIPAA).
- This legislation will not impact TennCare operations, as enrollees are entitled to all privacy rights under HIPAA.
- Based on information from the District Attorneys General Conference, the conference cannot quantify how this legislation would impact standards or rules regarding admissibility of evidence, as the courts usually determine such standards via the court rules. However, establishing certain patient statements to be inadmissible as evidence in a criminal trial, hearing, or proceeding is not expected to result in a significant decrease in convictions.
- Therefore, this legislation is estimated to have no direct significant fiscal impact on state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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